

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 AVENUE OF THE AMERICAS, NEW YORK, NEW YORK 10036-8403

TEL 212 382 0700 FAX 212 382 0888 FAX 212 398 0681

email@ostrolenk.com

PARTNERSSAMUEL H. WEINER
ROBERT C. FABER
MAX MOSKOWITZ
JAMES A. FINDER
WILLIAM O. GRAY, III
LOUIS C. DUJMICH
CHARLES P. LAPOLLADOUGLAS A. MIRO
ALFRED R. FABRICANT
MARC LIEBERSTEIN**ASSOCIATES**CHARLES C. ACHKAR, Ph.D.
PETER S. SLOANE
MARY G. PONTENOT
JOEL J. FELBER**
BRENDAN J. KENNEDY**
KOUROSH SALEHI**
LAWRENCE C. DRUCKER

DOUGLAS Q. HAHN

OF COUNSELMARVIN C. SOFFEN
JEROME M. BERLINER
MARTIN PFEFFER
LEON ZITVER*
LAWRENCE A. HOFFMAN
MARTIN J. BERAN
PAUL GRANDINETTI*
JOSEPH J. ZITO****DC BAR****CONNECTICUT BARS
WASHINGTON OFFICE
1725 K STREET, N.W.
WASHINGTON, D.C. 20006
TEL 202 457 7785
FAX 202 429 8919**WASHINGTON OFFICE**

SUITE 1108, 1725 K STREET, N.W., WASHINGTON D.C. 20006-1401

TEL 202 457 7785 FAX 202 429 8919

FACSIMILE TRANSMITTAL SHEET

TO: Exr. Gerstl
FIRM: Art Unit 1626
FROM: Paul Grandinetti Reg. No. 30,754
TOTAL NUMBER OF PAGES: _____ (INCLUDING COVER SHEET).
RE: OFGS FILE NO.: P/3610-20 YOUR REF. NO.: 09/923,198
DATE: 20 Oct 03

IF YOU DID NOT RECEIVE ALL PAGES, PLEASE CALL AS SOON AS POSSIBLE.

This message is intended only for the use of the individual(s) to which it is addressed and may contain information that is privileged, confidential, or exempt from disclosure under applicable law. If the reader of this message is not an intended recipient, or the employee or agent responsible for delivering the message to an intended recipient, you are notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address by mail. Thank you.

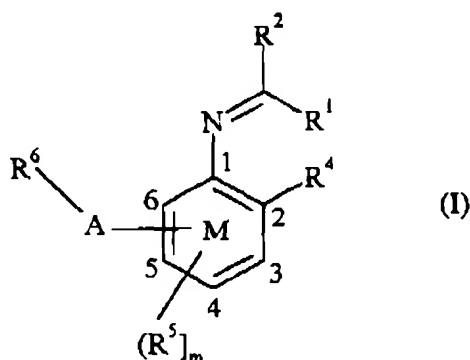
REMARKS:

Amendment and Response
Appl. No. 09/923,198

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. (Currently Amended) A compound of general formula I and salts thereof as fungicides



wherein

R^1 and R^2 , ~~which may be the same or different,~~ are independently selected ~~chosen~~ from the group consisting of ~~among~~ alkyl, carbocyclyl, heterocyclyl, each of which may be substituted, and hydrogen;

R^4 is slected ~~chosen~~ from the group consisting of ~~among~~ alkyl, hydroxy, and halogen;

m is 0 to 3;

when present R^5 , which may be the same or different from to any other R^5 , is any group defined for R^4 ;

R^6 is optionally substituted carbo- or heterocyclyl; and

Amendment and Response
Appl. No. 09/923,198

A is a direct bond or -O-.

2. (Currently Amended) A compound according to claim 1 wherein R^1 is alkyl, ~~alkenyl or alkynyl~~, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydrogen.

3. (Canceled)

4. (Currently Amended) A compound according to claim 1 wherein R^1 ~~R^1~~ is C_1 - C_{10} ~~C_1 - C_{10}~~ alkyl or hydrogen.

5. (Currently Amended) A compound according to claim 1 wherein R^1 ~~R^1~~ is methyl or hydrogen.

6. (Currently Amended) A compound according to claim 1 wherein R^2 R^2 is alkyl, acyl, alkoxy carbonyl, aminocarbonyl, ~~alkenyl or alkynyl~~, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl, or is hydrogen or alkyl carbonyl.

7. (Canceled)

Amendment and Response
Appl. No. 09/923,198

8. (Currently Amended) A compound according to claim 1 wherein R^2 R^2 is C_1-C_{10} ~~C_1-C_{10}~~ alkyl or hydrogen.
9. (Currently Amended) A compound according to claim 1 wherein R^2 R^2 is methyl or hydrogen.
10. (Currently Amended) A compound according to claim 1 wherein R^4 R^4 is alkyl, ~~alkenyl, or alkynyl, each of which may be substituted by alkoxy, haloalkoxy, alkylthio, halogen or optionally substituted phenyl; or is hydroxy, or halogen, cyano, acyl, alkoxy, haloalkoxy, or alkylthio.~~
11. (Canceled)
12. (Canceled)
13. (Currently Amended) A compound according to claim 1 wherein R^4 R^4 is C_1-C_{10} ~~C_1-C_{10}~~ alkyl or halogen.
14. (Currently Amended) A compound according to claim 1 wherein R^4 R^4 is methyl or ethyl or halogen.

Amendment and Response
Appl. No. 09/923,198

15. (Previously Amended) A compound according to claim 1 wherein m is 0 or 1.
16. (Canceled)
17. (Currently Amended) A compound according to claim 1 wherein R^5 is attached at the 5 position of ring M.
18. (Canceled)
19. (Canceled)
20. (Canceled)
21. (Canceled)
22. (Canceled)
23. (Canceled)
24. (Canceled)

Amendment and Response
Appl. No. 09/923,198

25. (Canceled)

26. (Canceled)

27. (Previously Amended) A compound according to claim 1 wherein A is attached to the 4 position of benzene ring M.

28. (Currently Amended) A compound according to claim 1 wherein R⁶ R6 is optionally substituted aromatic heterocyclyl.

29. (Currently Amended) A compound according to claim 1 wherein R⁶ R6 is optionally substituted thiazolyl, isothiazolyl, thiadiazolyl, pyridyl or pyrimidinyl.

30. (Currently Amended) A compound according to claim 1 wherein R⁶ R6 is optionally substituted 1,2,4-thiadiazolyl.

31. (Currently Amended) A compound according to claim 1 wherein R⁶ R6 may be substituted by one or more substituents independently, ~~which may be the same or different, and may be selected from the group consisting of list:~~ alkyl, alkenyl, alkynyl, carbo- or heterocyclyl, each of which may be substituted; hydroxy; mercapto; azido; nitro; halogen; cyano; acyl;

Amendment and Response
Appl. No. 09/923,198

optionally substituted amino; cyanato; thiocyanato; $-\text{SF}_5$, $-\text{SF}_5$; $-\text{OR}^a$ $-\text{OR}^a$; $-\text{SR}^a$ $-\text{SR}^a$ and $-\text{Si}(\text{R}^a)_3$, where R^a R^a is alkyl, alkenyl, alkynyl, carbocyclyl or heterocyclyl, each of which may be substituted.

32. (Currently Amended) A compound according to claim 31 wherein R^6 R^6 may be substituted by one or more substituents independently, which may be the same or different, and may be selected from the group consisting of hydroxy; halogen; cyano; acyl; amino; alkylamino; dialkylamino; alkyl; haloalkyl; $\text{R}^a\text{O-alkyl}$ $\text{R}^a\text{O-alkyl}$; acyloxyalkyl; cyano-oxyalkyl; alkoxy; haloalkoxy; alkylthio; carbocyclyl, optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio; and benzyl optionally substituted by alkyl, haloalkyl, alkoxy, haloalkoxy or alkylthio.

33. (Canceled)

34. (Previously Amended) A fungicidal composition comprising at least one compound as claimed in claim 1 in admixture with an agriculturally acceptable diluent or carrier.

Amendment and Response
Appl. No. 09/923,198

35. (Previously Amended) A method of combating fungi at a locus infested or liable to be infested therewith, which comprises applying to the locus a compound as claimed in claim 1.

36. (Canceled)